



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,144	08/08/2003	Donald B. Gage	DC-05201	3411
33438 7590 07/22/2008 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720				
EXAMINER				
GHESY, ADAM				
ART UNIT		PAPER NUMBER		
2627				
NOTIFICATION DATE		DELIVERY MODE		
07/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltontertile.com
seaton@hamiltontertile.com
tmunoz@hamiltontertile.com

Office Action Summary

Application No.

10/637,144

Applicant(s)

GAGE ET AL.

Examiner

ADAM R. GIESY

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (hereinafter Kurobe – US Doc. No. 2006/0067190 A1) in view of Masaki et al. (hereinafter Masaki – US Pat. No. 6,526,014 B2) and further in view of Kaneda et al. (hereinafter Kaneda – US Pat. No. 6,404,707 B1).

Regarding claim 1, Kurobe discloses an information handling system comprising: processing components operable to generate information for storage on an optical medium (see Figure 1, elements 9, 11, and 13-16); an optical disk drive interfaced with the processing components and operable to process the information for writing to the optical medium (see Figure 1); a write strategy table having plural write strategies, each write strategy associated with one or more optical medium types (Figure 6); a laser associated with the optical disk drive and operable to illuminate the optical medium to burn information onto the optical medium with a write strategy associated with the optical medium or to read information from the optical medium (Figure 1, element 5); and an OPC (Optical Power Calibration) engine interfaced with the write strategy table and the laser (see page 11, paragraph 0141), the OPC engine being operable to store the adjusted write strategy to a non-volatile medium for use in subsequent writes (see

Figure 1, element 17a). Kurobe does not disclose test writing at distributed locations on the medium. Kurobe also does not disclose the use of a hard drive as a non-volatile medium to store write strategies on.

Masaki discloses an optical storage apparatus including a write strategy table (see Figure 6A, elements 190, 196, and 198) and an OPC engine that performs test writes and reads at plural distributed locations of the optical medium, the test writes having predetermined variations of the write strategy associated with the optical medium, the OPC engine adjusting the write strategy to write the generated information to the optical medium based on the quality of modulated signals read from the test writes at the distributed locations (see column 16, lines 31-65).

Kaneda discloses a media storage apparatus wherein a host computer (see Figure 6, element 9) stores a management table (element 800) with operating parameters for various drives in a multiple optical drive system which includes a write strategy and drive identification (see Figure 7). Kaneda shows that it is well known in the art of optical storage to be able to store drive related information including a write strategy for certain disc types outside of the optical drive for use on multiple optical drives.

Furthermore, Kurobe does not distinctly claim a hard drive being the non-volatile memory, however Kurobe does disclose having a memory with both a ROM and a RAM (see Figure 1, elements 17a and 17b respectively). It is well known in the art that a ROM memory is a non-volatile form of memory and therefore is an art recognized equivalent to a hard drive. It would have been an obvious matter of design choice to

replace the ROM with a hard drive (as both are forms of non-volatile memory) since the applicant has not disclosed that using only a hard drive solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the use of a ROM as non-volatile memory storage (see Response to Arguments section below).

Furthermore, although Kurobe does not show a hard drive that is separate from and interfaced with the optical disk drive, Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hard disk drive that is separate and connectable or fully integrated for the purpose of storing data, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the multi-medium writing device as disclosed by Kurobe with the multi-zone test writing method as disclosed by Masaki and the storing of write strategies outside of the optical drive as disclosed by Kaneda, the motivation being to further improve the reliability of the ZCLV recording as disclosed by Kurobe across multiple forms of media and to be able to duplicate that strategy on all media types.

Regarding claim 2, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 1 as discussed in the claim 1 rejection above. Masaki further discloses an optical

recording device in which the OPC engine test writes are to an inner diameter track, middle diameter track and outer diameter track of the optical medium (see Figure 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by Kurobe with the optical recording device that test writes to multiple designated disc circumferences as disclosed by Masaki, the motivation being to better configure the power settings of the optical recording laser to write on the various diameters of the optical disc.

Regarding claim 3, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 2 as discussed in the claim 2 rejection above. Masaki further discloses that variations of the write strategy comprise write power variations and wherein the OPC adjusts the write strategy to write the generated information to an average of the write power at each of the inner, middle and outer diameter tracks that provided a modulated signal having the least amplitude and jitter variations (see Figure 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by Kurobe with the write strategy that uses an average of the test write power variations as disclosed by Masaki, the motivation being to better configure the power settings of the optical recording laser to write on the entire surface of the optical disc.

Regarding claim 6, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 2 as discussed in the claim 2 rejection above. Kurobe further discloses that the optical medium comprises a CD-RW disc (see page 1, paragraph 0006).

Regarding claim 7, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 1 as discussed in the claim 1 rejection above. Kurobe further discloses that the system further comprises volatile memory interfaced with the optical disc drive and operable to store the adjusted write strategy for use on a subsequent write to an optical medium of the same type (see Figure 1, element 17b).

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (hereinafter Kurobe – US Doc. No. 2006/0067190 A1) in view of Masaki et al. (hereinafter Masaki – US Pat. No. 6,526,014 B2) and further in view of Kaneda et al. (hereinafter Kaneda – US Pat. No. 6,404,707 B1) and even further in view of Nadershahi (US Doc. No. 2004/0130993 A1).

Regarding claim 4, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 2 as discussed in the claim 2 rejection above. Both Kurobe and Masaki fail to disclose DVD-RW and DVD+RW optical disc formats.

Nadershahi discloses an optical device that performs OPC for many formats including DVD-RW (page 1, paragraph 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by the combination of Kurobe and Masaki (discussed above) with the OPC on several formats as disclosed by Nadershahi, the motivation being to allow for compatibility with many types of optical media.

Regarding claim 5, Kurobe, Masaki, and Kaneda disclose all of the limitations of claim 2 as discussed in the claim 2 rejection above. Both Kurobe and Masaki fail to disclose DVD-RW and DVD+RW optical disc formats.

Nadershahi discloses an optical device that performs OPC for many formats including DVD+RW (page 1, paragraph 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by the combination of Kurobe and Masaki (discussed above) with the OPC on several formats as disclosed by Nadershahi, the motivation being to allow for compatibility with many types of optical media.

4. Claims 10 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (hereinafter Kurobe – US Doc. No. 2006/0067190 A1) in view of Masaki et al. (hereinafter Masaki – US Pat. No. 6,526,014 B2).

Regarding claim 10, Kurobe discloses a method for re-writable optical medium write power calibration, the method comprising: determining a write strategy from an identification code of an optical medium (see Figure 27, elements 51-53). Kurobe does not disclose test writing and plural locations, or averaging the test writing results to modify the write strategy.

Masaki discloses an optical device that performs test writes and reads at plural locations distributed across the optical medium, the test writes having predetermined variations from the power setting of the write strategy (Figure 12); analyzing the modulated signal read from each test read to determine the power setting variation

having the least amplitude and jitter variations for each of the plural locations distributed across the optical medium (Figure 17); averaging the determined power setting variations for the plural locations distributed across the optical medium to determine an adjusted write strategy (see Figure 18B); and writing information to the re-writable optical medium with the adjusted write strategy (see Figure 18B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by Kurobe with the plural test writing and averaging as disclosed by Masaki, the motivation being to better configure the power settings of the optical recording laser to write on the various surfaces of the optical disc.

Regarding claim 13, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Kurobe further discloses that the optical medium comprises a CD-RW disc (see page 1, paragraph 0006).

Regarding claim 14, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Masaki further discloses that the re-writable optical medium comprises a medium having an unknown identification code and the write strategy comprises a generic write strategy for use with optical media having unknown identification codes (since Masaki performs the test writing on any medium, Masaki will apply the same test writing procedure to a disc of unknown identification code – see default write powers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by Kurobe

with the plural test writing and default write power as disclosed by Masaki, the motivation being to better accommodate more disc format types.

Regarding claim 15, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Masaki further discloses that the re-writable optical medium comprises a new medium and the write strategy comprises a generic write strategy associated with a type of re-writable optical medium having an unknown identification code (since Masaki performs the test writing on any medium, Masaki will apply the same test writing procedure to a disc of unknown identification code – see default write powers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by Kurobe with the plural test writing and default write power as disclosed by Masaki, the motivation being to better accommodate more disc format types.

Regarding claim 16, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Kurobe further discloses storing the adjusted write strategy in volatile memory; and writing information to another re-writable optical medium having the identification code by using the adjusted write strategy (see page 21, paragraph 0241 – note that the document refers to the ROM, Figure 1, element 17b, when the RAM is clearly marked as element 17b in Figure 1 – the Examiner will interpret this to mean RAM as depicted in Figure 1).

Regarding claim 17, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Masaki further discloses that performing

test writes further comprises performing test writes at an inner diameter, middle diameter and outer diameter location of the optical medium (See Figure 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by Kurobe with the optical recording method that test writes to multiple designated disc circumferences as disclosed by Masaki, the motivation being to better configure the power settings of the optical recording laser to write on the various surfaces of the optical disc.

Regarding claim 18, Kurobe discloses a system for re-writable optical medium write power calibration, the system comprising: a write strategy table associating re-writable optical medium identification codes and write strategies, each write strategy having a write power setting (see Figure 6); and an OPC (Optical Power Calibration) engine interfaced with the write strategy table, the OPC engine operable to determine a write strategy for an optical medium from the write strategy table (see Figure 27). Kurobe does not disclose plural test writings or averaging of the test writings to modify the original laser power.

Masaki discloses an optical device in which OPC is performed and used to adjust the determined write strategy's write power setting by performing test writes and reads at plural distributed locations of the optical medium, determining the power setting at each of the plural distributed locations that had the lowest read amplitude and jitter variations, and averaging the determined power setting of each of the plural distributed locations to determine the adjusted write power setting (see Figures 12, 17, and 18B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by Kurobe with the plural test writing and averaging as disclosed by Masaki, the motivation being to better configure the power settings of the optical recording laser to write on the various surfaces of the optical disc.

Regarding claim 19, Kurobe and Masaki disclose all of the limitations of claim 18 as discussed in the claim 18 rejection above. Kurobe further discloses that the determined write strategy for the optical medium comprises a generic write strategy associated with unrecognized identification codes (see generic write strategies in Figure 6).

Regarding claim 20, Kurobe and Masaki disclose all of the limitations of claim 18 as discussed in the claim 18 rejection above. Kurobe further discloses memory interfaced with the OPC engine and operable to store the adjusted write power setting for use with a write to a subsequent optical medium having the same identification code (see page 21, paragraph 0241 – note that the document refers to the ROM, Figure 1, element 17b, when the RAM is clearly marked as element 17b in Figure 1 – the Examiner will interpret this to mean RAM as depicted in Figure 1).

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (hereinafter Kurobe – US Doc. No. 2006/0067190 A1) in view of Masaki et al. (hereinafter Masaki – US Pat. No. 6,526,014 B2) and further in view of Nadershahi (US Doc. No. 2004/0130993 A1).

Regarding claim 11, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Both Kurobe and Masaki fail to disclose DVD-RW and DVD+RW optical disc formats.

Nadershahi discloses an optical device that performs OPC for many formats including DVD-RW (page 1, paragraph 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by the combination of Kurobe and Masaki (discussed above) with the OPC on several formats as disclosed by Nadershahi, the motivation being to allow for compatibility with many types of optical media.

Regarding claim 12, Kurobe and Masaki disclose all of the limitations of claim 10 as discussed in the claim 10 rejection above. Both Kurobe and Masaki fail to disclose DVD-RW and DVD+RW optical disc formats.

Nadershahi discloses an optical device that performs OPC for many formats including DVD+RW (page 1, paragraph 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording method as disclosed by the combination of Kurobe and Masaki (discussed above) with the OPC on several formats as disclosed by Nadershahi, the motivation being to allow for compatibility with many types of optical media.

6. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (hereinafter Kurobe – US Doc. No. 2006/0067190 A1) in view of Masaki et al.

(hereinafter Masaki – US Pat. No. 6,526,014 B2) and further in view of Stan (WO 2003/091935 A3).

Regarding claim 21, Kurobe and Masaki disclose all of the limitations of claim 18 as discussed in the claim 18 rejection above. Both Kurobe and Masaki fail to disclose a blue laser re-writable disc.

Stan discloses power calibration on a Blu-ray disc (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical recording device as disclosed by Kurobe with the plural test writing and averaging as disclosed by Masaki and the power calibration of a blue laser re-writable disc as disclosed by Stan, the motivation being to allow for a wider range of compatibility for the media used in the optical system.

Response to Arguments

7. Examiner notes that no Arguments can be found in the Remarks submitted by Applicant on 4/7/2008.
8. Examiner also notes that no specific claim language was suggested by the Examiner in the previous Office Action as suggested by Applicant. Examiner was merely remarking that the Applicant was arguing about subject matter that was not found in the claims and that the claims should be amended to include such subject matter. The amendments made to the claims did not overcome the prior art and thus are rejected for the reasons discussed above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM R. GIESY whose telephone number is (571)272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 7/15/2008

/Adam R. Giesy/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627